

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID H. MORRIS,

Plaintiff,

v.

ROBERT DICKMAN,

Defendant.

ORDER

11-cv-541-slc

This case was closed because plaintiff David Morris did not pay the assessed five-cent (\$0.05) initial partial payment by the September 6, 2011 deadline. Now plaintiff has filed a letter stating that he has been transferred to the Dodge Correctional Institution in Waupun, Wisconsin. He also states that the last order that he received in this case was the August 2, 2011 order directing him to submit his trust fund account statement, *see* dkt. 4. In his letter, plaintiff requests that this case remain open. Plaintiff's request will be granted provided that he submits the initial partial filing fee in this case.

On August 16, 2011, I calculated plaintiff's initial partial payment to be \$0.05, *see* dkt. 4. Plaintiff is reminded that paying the initial partial payment is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives plaintiff's payment, his case will be reopened and his complaint will be taken under advisement for a determination under § 1915(e)(2) whether the action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief. If plaintiff does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from

his release account. The only amount plaintiff must pay at this time is the \$0.05 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to prison officials to insure that they know that they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff David Morris is to submit a check or money order made payable to the clerk of court in the amount of \$0.05 on or before October 17, 2011. If, by October 17, 2011, plaintiff fails to make the initial partial payment or show cause for his failure to do so, his case will remain closed without prejudice to plaintiff's filing his case at a later date.

Entered this 26th day of September, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge